

Hon. Thomas S. Zilly

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLENN THOMPSON, JR., and GLENN
THOMPSON, SR.,

Plaintiffs,

vs.

ON-SITE MANAGER, INC.,

Defendant.

No. 2:15-cv-01596-TSZ

DECLARATION OF COUNSEL
REGARDING PLAINTIFFS' MOTION
TO COMPEL DISCOVERY

1. I, Eric Dunn, am one of the attorneys representing the Plaintiffs in this action.

2. On January 25, 2016, my office served Plaintiff's First Set of Interrogatories to Defendant On-Site Manager, Inc. and Plaintiffs' First Set of Requests for Production to Defendant On-Site Manager, Inc. The deadline for responses was February 24, 2016.

3. The parties agreed to enter into an Agreed Stipulated Protective Order. That Order was entered by the Court on February 29, 2016.

4. My office received Defendant's responses on February 29, 2016. Defendant failed to respond to Interrogatories 7, 10, and 13, and it failed to provide documentation in response to thirteen Requests for Production. As we were not satisfied with Defendant's answers, we

1 requested a discovery conference. Attached, as Exhibit A, is a copy of the letter sent to
2 Defendant's counsel. To accommodate the schedules for Defendant's counsel, the discovery
3 conference was not held until March 23, 2016.

4 5. In the meantime, Defendant provided documentation to the Requests for Production in
5 dispute so that the only issues remaining for discussion during the discovery conference were
6 Interrogatories 7, 10, and 13.

7 6. During the discovery conference call on March 23, 2016, Defendant's counsel stated
8 that she would follow-up with Defendants as to Interrogatories 7 and 10 and would try to
9 supplement. As to Interrogatory No. 13, Defendant's counsel stated that Defendants simply did
10 not want to answer the question. Asked why, she did not give a further reason but agreed to
11 discuss the question further with Defendants.

12 7. On April 6, 2016, Defendant provided its Supplemental answers to Interrogatories 7,
13 10, and 13. As to Interrogatory 13, Defendant still refused to respond to, alleging that the
14 question lacked relevance. Attached, as Exhibit B, is a copy of the response provided by
15 Defendant as of this date.

16 8. Our office also represents the plaintiffs in a different matter currently pending before
17 the King County Superior Court (*Brian & Karen Handlin vs. On-Site Manager, Inc.*, No. 13-2-
18 39897-4 KNT). In that action, On-Site Manager was asked an identical question for different
19 calendar years, and answered that question on February 26, 2016. See Exhibit C, attached.

20 9. I am of sound mind and have made these statements of my own free will; I am
21 competent to testify and if called as a witness in this matter would state as contained in this
22 declaration.
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1
2 I declare under penalty of perjury under the laws of the State of Washington and of the
3 United States that the foregoing is true and correct.

4 Signed at Seattle, Washington on May 26, 2016

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7 Eric Dunn, WSBA #36622
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EXHIBIT A

401 Second Ave S. Suite 407
Seattle, WA 98104
Tel. (206) 464-1519
Fax (206) 624-7501



Northwest Justice Project

Toll Free 1-888-201-1012
www.nwjustice.org

César E. Torres
Executive Director

March 10, 2016

VIA LEGAL MESSENGER AND ELECTRONIC MAIL

Jeffrey E. Bilanko
Elizabeth K. Morrison
Gordon & Rees
701 5th Avenue, Suite 2100
Seattle, WA 98104

Re: Thompson, Jr. and Thompson, Sr. v. On-Site Manager, Inc.,
2:15-cv-01596-TSXZ

Dear Counsel:

Your office was served with Plaintiff's First Set of Interrogatories and Plaintiff's First Set of Requests for Production to Defendant On-Site on January 25, 2016. We received Defendant On-Site Manager's responses to the Interrogatories on Requests for Production on February 29, 2016. We have now had the opportunity to review On-Site's responses to discovery.

You did not answer Interrogatories **No. 7, 10, and 13**. We have also reviewed On-Sites' answers to Plaintiff's First Set of Requests for Production, and find On-Site's answers to be evasive and incomplete as to the following Requests for Production: **1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 18, and 19**. In particular, you have continued to withhold information and documentation related to all of these Requests for Production alleging that the complete response will be provided when the parties enter into a Confidentiality Agreement. As you well know, Judge Thomas S. Zilly entered an Agreed Stipulated Protective Order on February 29, 2016—the same day that we received your responses. Therefore, the lack of a protective order would not be a basis for withholding this information.

Finally, we would like to discuss the issue of depositions in this matter.

Pursuant to Fed.R.Civ.P. 37, we are scheduling a discovery conference for **Wednesday, March 16, 2016, at 12:00 noon**. We plan to call you at (206) 695-5100 on March 16, 2016, at 12:00 noon, and will ask for Mr. Bilanko. However, if that date/time will not work, please contact us immediately to reschedule for another date/time next week.

Jeffrey E. Bilanko
March 10, 2016
Page 2

Thank you for your attention to this matter. We can be reached at (206) 464-1519, or at leticia@nwjustice.org or ericd@nwjustice.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Leticia", followed by a long horizontal line that curves slightly upwards at the end.

Leticia Camacho
Staff Attorney

C: Glen Thompson, Jr. and Glenn Thompson Sr.

EXHIBIT B

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLEN THOMPSON, JR. and GLENN
THOMPSON, SR.,

Plaintiffs,

vs.

ON-SITE MANAGER, INC.

Defendant.

NO. 2:15-cv-01596-TSZ

**PLAINTIFFS' FIRST SET OF
INTERROGATORIES TO DEFENDANT
ON-SITE MANAGER, INC. - WITH
SUPPLEMENTAL ANSWERS**

Plaintiffs, by counsel, present the following Interrogatories to Defendant On-Site Manager, Inc., pursuant to Federal Rule of Civil Procedure 33:

Instructions

1. Each interrogatory shall be answered separately and fully in writing under oath by any officer or agent of On-Site Manager, Inc. Fed.R.Civ.P. 33(a-b).
2. If you object to any interrogatory, you must state the reasons for objection and shall answer to the extent the interrogatory is not objectionable. Fed.R.Civ.P. 33(b)(1). All grounds for objection must be stated with specificity or is presumed waived. Fed.R.Civ.P. 33(b)(4). Any objections must be signed by the attorney making them. Fed.R.Civ.P. 33(b)(2).
3. Your answers are to be signed by the person making them. Fed.R.Civ.P. 33(b)(2).

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
DEFENDANT ON-SITE MANAGER, INC. - WITH
SUPPLEMENTAL ANSWERS -1
(2:15-CV-01596-TSZ)**

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11 **INTERROGATORY NO. 13:** Please state the number of consumer reports you
12 prepared and transmitted to any person or entity in connection with an application for the leasing
13 of residential real property in Washington State for each the calendar years 2014, 2015, and
14 2016.

15 **ANSWER:**

16 Defendant objects to this Request on the grounds that it is vague and ambiguous in
17 seeking reports to "any person or entity" "in connection with an application" "for leasing
18 residential property" in calendar years 2014-2016. Defendant also objects on the grounds that
19 this request is over broad, unduly burdensome, and clearly seeking information and
20 documentation that is not relevant to Plaintiffs, their claims, or this action and not calculated to
21 lead to the discovery of admissible evidence.

22 **SUPPLEMENTAL RESPONSE:**

23 On-Site continues to object to this request. During the parties meet and confer, On-Site
24 inquired regarding the relevance the number of consumer reports issued by On-Site since 2014 to
25 Plaintiffs' claims. Counsel for Plaintiffs stated that this request was relevant to public interest
26

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
DEFENDANT ON-SITE MANAGER, INC. – WITH
SUPPLEMENTAL ANSWERS -10
(2:15-CV-01596-TSZ)**

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1 under its Washington Consumer Protection Act claim. However, the total number of consumer
 2 reports sent by On-Site in Washington State since 2014 is not relevant to Plaintiffs' claims in this
 3 matter and does not pertain to any element of Plaintiffs' claims and equates to a fishing
 4 expedition. If Plaintiffs can identify why the total number of reports sent by On-Site going back
 5 to 2014 is relevant to the Thompson's allegedly inaccurate report, On-Site may reconsider its
 6 response.

7
 8 Dated: April 6, 2016

GORDON & REES LLP

9 By: /s/Elizabeth K. Morrison
 10 Jeffrey E. Bilanko, WSBA #38829
 11 Elizabeth K. Morrison, WSBA #43042
 12 Gordon & Rees LLP
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 16 Fax: (206) 689-2822
 17 jbilanko@gordonrees.com
 18 emorrison@gordonrees.com
 19 Attorneys for Defendant On-Site
 20 Manager, Inc.
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**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
 DEFENDANT ON-SITE MANAGER, INC. – WITH
SUPPLEMENTAL ANSWERS -11
 (2:15-CV-01596-TSZ)**

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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day, I served a true and accurate copy of the document to which this declaration is affixed via the following:

Attorneys for Plaintiff:

Eric Dunn
Allyson O'Malley-Jones
Leticia Camacho
Northwest Justice Project
401 Second Avenue S, Suite 407
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☒ U.S. Mail Postage Prepaid
☐ CM/ECF
☐ Hand Delivery
☒ Email: EricD@nwjustice.org
leticia@nwjustice.org
cc: marien@nwjustice.org

Dated this 6th day of April 2016.

/s/ Stephanie M. Hosey
Stephanie M. Hosey, Legal Secretary

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
DEFENDANT ON-SITE MANAGER, INC. – WITH
SUPPLEMENTAL ANSWERS -12**
(2:15-CV-01596-TSZ)

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EXHIBIT C

HONORABLE BRUCE E. HELLER

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING

BRIAN & KAREN HANDLIN,

Plaintiffs,

v.

ON-SITE MANAGER, INC.

Defendant.

NO. 13-2-39897-4 KNT

**DEFENDANT ON-SITE MANAGER,
INC.'S SUPPLEMENTAL ANSWERS TO
PLAINTIFFS' FIRST
INTERROGATORIES**

Pursuant to CR 26 and 33, Defendant On-Site Manager, Inc. ("Defendant" or "On-Site") provides the following answers and objections to Plaintiffs Brian and Karen Handlin's ("Plaintiffs") Interrogatories:

GENERAL OBJECTIONS

Defendant makes the following general objections to Plaintiffs' Interrogatories (collectively, the "Requests"):

1. Defendant objects to the Requests to the extent they purport to impose any obligations exceeding those required by the Civil Rules.

**DEFENDANT ON-SITE MANAGER, INC.'S
SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIRST
INTERROGATORIES PAGE-1
(13-2-39897-4 KNT)**

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19 **INTERROGATORY NO. 8:** Please state the number of consumer reports you prepared
20 and transmitted to any person or entity in connection with an application for the leasing of
21 residential real property in Washington State for each the calendar years 2011, 2012, and 2013.

22 **ANSWER:**

23 On-Site objects to Interrogatory No. 8 as overbroad; unduly burdensome; as not
24 reasonably calculated to lead to the discovery of admissible evidence; and as calling for
25 confidential, proprietary information and trade secrets.

**DEFENDANT ON-SITE MANAGER, INC.'S
SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIRST
INTERROGATORIES PAGE-8
(13-2-39897-4 KNT)**

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1 **Supplemental Response**

2 Subject to and without waiving the foregoing or general objections noted above, On-
3 Site answers as follows: With regard to Plaintiffs, On-Site prepared one report in 2013. On-
4 Site also prepared one report in 2011, one report in 2012 for Plaintiffs for a community
5 called Newport Crossing.

6 More generally, overall, On-Site prepared 30,141 reports in 2011, 32,782 reports in
7 2012, and 34,990 reports in 2013.

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**DEFENDANT ON-SITE MANAGER, INC.'S
SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIRST
INTERROGATORIES PAGE-9
(13-2-39897-4 KNT)**

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7 These Supplemental Responses Dated:
February 26, 2016

GORDON & REES LLP

8
9 By: s/ Jeffrey E. Bilanko
Jeffrey E. Bilanko WSBA No.: 38829

10 By: s/ Elizabeth K. Morrison
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**DEFENDANT ON-SITE MANAGER, INC.'S
SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIRST
INTERROGATORIES PAGE-13**
(13-2-39897-4 KNT)

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CERTIFICATION

The undersigned attorney for Defendant has read the foregoing Supplemental Answers to Plaintiffs' First Interrogatories and they are in compliance with CR 26(g).

DATED this 26th day of February, 2016.

GORDON & REES LLP

By : s/Elizabeth K. Morrison

Elizabeth K. Morrison WSBA No.: 43042

Jeffrey E. Bilanko WSBA No.: 38829

Attorneys for Defendant

I solemnly swear or affirm that the information I have provided herein is true and accurate to the best of my knowledge, information, and belief.

On-Site Manager, Inc., Defendant

Print Name: _____

Print Title: _____